

Baltimore, Jan. 1, 1847



# THE DAILY COMMONWEALTH.

MONDAY, FEBRUARY 22, 1847.

## KENTUCKY LEGISLATURE.

### IN SENATE.

SATURDAY, Feb. 20.

The Senate was opened with prayer by Rev. Mr. WATERMAN.

Mr. DRAFFIN presented a petition from sundry citizens of Mercer, for a change of election precinct, and referred to select committee.

Mr. DRAFFIN, by consent, reported from select committee, a bill to change the place of voting in Simm's precinct to Cornishville, in Mercer county; passed.

Mr. HENDERSON asked and obtained leave to bring in a bill for the benefit of Isaac King, of Whitley; referred.

Mr. HAWKINS, by consent, reported from select committee, a bill to incorporate the Warsaw and Williamstown Turnpike Company; referred.

Mr. RICE, from select committee, reported a bill from H. R. to amend the road law in Greenup county.

Mr. RICE, in presenting this bill, remarked, that the committee had come to no conclusion upon the subject, and had left it in his charge, as chairman of the committee; that he felt it to be an unpleasant task for a Senator to oppose a bill, the passage of which had been urged and secured by the representative in the lower branch of the Legislature; but the subject of a change in the road law of Greenup, had excited a great deal of feeling in that county, and it became his duty, in obedience to what he believed to be the wishes of his constituents in that county, to oppose the passage of the bill in the Senate.

The 3d section of the bill imposed a tax of 63 cents on each ton of iron manufactured in the county of Greenup. The people of Greenup were opposed to specific legislation of this kind, and particularly to the imposition of a specific tax upon the manufacturers of iron, who contributed so largely to the prosperity of that county. He hoped the bill would not pass.

The bill was rejected.

Mr. J. SPEED SMITH, from committee on Internal Improvement, reported a bill from H. R. to incorporate the Paris and Georgetown Turnpike Company; passed.

Mr. SWOPE, from same committee, reported a bill from H. R. to continue a turnpike road from Burlington to Florence in Boone county, with an amendment, amendment concurred in and bill passed.

Also—a bill from H. R. authorizing the county court of Nicholas to change or discontinue a State road; passed.

Also—a bill from H. R. for the benefit of the Lexington and Covington Turnpike Company; passed.

Also—a bill to incorporate the Covington and Dry Run Turnpike Company; passed.

Also—a bill to incorporate the Boone Turnpike road Company; passed.

Also—a bill to incorporate the Warsaw and Williamstown Turnpike Company; passed.

Mr. BRISTOW, from same committee, reported a bill from H. R. to settle and adjust the claim of John Bussing of Garrard county, authorizing him to file bill against Board of Internal Improvement in the General Court, with amendments.

Mr. PEYTON opposed the bill, and moved to lay bill and amendments on the table, but withdrew the motion at the request of Mr. BRISTOW, who desired to explain the facts of the case and the provisions of the bill. The facts presented in the petition were, that the State had contracted with Mr. Bussing for the delivering of timber for the repair of the railroad, and had, through her agents, prevented him from passing with his raft, through one of the locks on the Kentucky river, whereby the raft was sunk, and resulted in a total loss to him. The bill provides that Mr. Bussing may, at his own cost, file his bill in the General Court, making the Board of Internal Improvement a party, and submit the question of the liability of the State to compensate him for the damages sustained, to the decision of the court.

The bill was advocated by Messrs. FOX and J. SPEED SMITH, and opposed by Messrs. PEYTON and PATTERSON.

Mr. PEYTON renewed his motion to lay the bill and amendments on the table.

The yeas and nays were as follows:

Yeas—Messrs. Boyd, Bradley, Bramlette, Brien, Crenshaw, Evans, Hardin, Heady, Henderson, Holloway, James, McNary, Patterson, Peyton, Russell, South and Taylor—17.

Nays—Messrs. Bristow, Butler, Draffin, Fox, Harris, Hawkins, Helm, Key, Rice, Slaughter, J. Speed Smith, Swope, Thornton, Thurman, Todd, Walker, Wall and Williams—18.

So the Senate refused to lay the bill on the table.

The bill was further discussed by Messrs. BRISTOW and J. SPEED SMITH for, and Messrs. WALL, CRENSHAW, BRADLEY and BOYD against the bill.

Mr. BUTLER offered a resolution, re-committing the bill to committee, with instructions to investigate the facts of the case, and report a bill for the relief of the petitioner, if in their view his claim be a just one.

Mr. PATTERSON opposed the resolution.

Joint Order of the Day—Election of Public Officers.

A message was received from the H. R. through Mr. STEVENSON, that the H. R. was ready to proceed with the execution of the joint order of the day, having for its object the election of public officers.

Mr. PEYTON was directed to bear a similar message from the Senate to the H. R.

A message from H. R. through Mr. McHENRY, was received, announcing that James Davidson was in nomination for the office of Treasurer.

Mr. HELM nominated James Davidson for the office of Treasurer.

No other individual being in nomination, Mr. Davidson received the unanimous vote of the Senate.

Messrs. HELM and PATTERSON were appointed a committee to report the joint vote, and reported that JAMES DAVIDSON had received the unanimous vote of both houses; whereupon he was declared by the Speaker, duly elected to the office of Treasurer of the Commonwealth of Kentucky.

Public Printer.

Mr. HARRIS nominated JOHN M. HELMS.

Mr. FOX nominated A. G. HODGES.

A message was received from H. R. that the same individuals, together with G. H. MONSARRAT, were in nomination.

Mr. HARRIS said, that to give a chance to Mr. Monsarrat, he would nominate him.

Mr. HARRIS remarked, that Mr. Helms, in case of his election, stood prepared to give the most unquestioned security for the performance of the duties of Public Printer.

The Senate then proceeded to ballot as follows:

Those who voted for Mr. HELMS, were:

Messrs. Boyd, Bramlette, Bristow, Butler, Crenshaw, Draffin, Evans, Fox, Hardin, Hawkins, Helm, Henderson, Holloway, Key, McNary, Patterson, Peyton, Russell, Slaughter, Speed Smith, Taylor, Thornton, Todd, Walker, Wall and Williams—26.

Those who voted for Mr. HELMS, were:

Messrs. Bradley, Brien, Harris, Heady, James, Rice, South, Swope, Thomas and Thurman—10.

For Mr. MONSARRAT—none.

The same committee were appointed to compare and report the joint vote, and after a short time, Mr. Helms reported that the joint vote stood as follows:

A. G. Hodges, - - - - - 73  
J. M. Helms, - - - - - 46  
G. H. Monsarrat, - - - - - 15

Whole vote 133—necessary to a choice 67—whereupon, the Speaker declared that A. G. Hodges having received a majority of all the votes cast, was duly elected Public Printer.

### Librarian.

Mr. HELM nominated G. A. Robertson.

Mr. BRAMLETTE nominated Richard Long.

Mr. HELM was appointed to inform the H. R. of said nominations, and a similar communication was received through Mr. McHENRY, from H. R.

The Senate then proceeded to ballot as follows:

Those who voted for Mr. G. A. Robertson, were:

Messrs. Boyd, Bradley, Bristow, Butler, Crenshaw, Draffin, Evans, Fox, Hardin, Harris, Hawkins, Heady, Helm, Henderson, Holloway, James, Key, McNary, Patterson, Peyton, Rice, Russell, Slaughter, J. Speed Smith, South, Swope, Taylor, Thomas, Thornton, Thurman, Todd, Walker and Wall—33.

Those who voted for Mr. Richard Long, were:

Messrs. Bramlette, Brien and Williams—3.

The same committee was appointed to compare and report the joint vote, and after a short time, Mr. Helms reported, that the joint vote stood as follows:

G. A. Robertson, - - - - - 35  
Richard Long, - - - - - 39

Whole vote 134—necessary to a choice 68—whereupon, the Speaker declared that G. A. Robertson, having received a majority of all the votes cast, was duly elected Librarian.

### Commissioner of Lunatic Asylum.

Mr. TODD nominated G. B. Kinkead.

A message was received from H. R. that the same nomination, and that of Thomas Grant was before the H. R.

Mr. SWOPE nominated Thomas Grant.

The Senate proceeded to ballot as follows:

Those who voted for Mr. Kinkead were:

Messrs. Boyd, Bradley, Bramlette, Bristow, Butler, Crenshaw, Draffin, Evans, Fox, Harris, Hawkins, Heady, Helm, James, Key, McNary, Patterson, Peyton, Russell, Slaughter, Speed Smith, South, Taylor, Thomas, Thornton, Thurman, Todd, Wall and Williams—29.

Those who voted for Mr. Grant, were:

Messrs. Brien, Hardin and Swope—3.

The joint vote was as follows:

G. B. Kinkead, - - - - - 109  
Thomas Grant, - - - - - 16

whereupon G. B. Kinkead was declared duly elected.

The following message from the Governor was received through G. B. Kinkead, Esq.

Gentlemen of the Senate:

Being of opinion that the office of Secretary was vacant, on the 1st of September last, I commissioned George B. Kinkead, Esq., to fill the vacancy until the end of the present session of the General Assembly. Since the commencement of the session, I nominated for your advice and consent, Mr. Kinkead to be Secretary from and after the end of the present session.

The nomination was rejected, because as you say, there is no vacancy in the office of Secretary. The opinion so expressed, is directly opposed to the opinion which I had at the time Mr. Kinkead was commissioned, and which I still entertain. I did not act hastily, and after the most mature reflection, I feel a thorough conviction that nothing has been done by me, in reference to the Secretary, which is not in perfect conformity to the constitution, and that as Governor, I could not upon any other construction of that instrument, have fulfilled the duties of my office.

But the conflict of opinion between the Senate and myself, has placed Mr. Kinkead in a delicate position. I am sure that in accepting the commission which was tendered to him, by me, without his solicitation, he was influenced only by patriotic motives; actuated by like exalted feelings, while he fully concurs with me in opinion, he has yet expressed an unwillingness to hold the office until the expiration of the commission, whilst the opinion of the Senate stands opposed to him. He has therefore resigned his commission, wherefore.

I again nominate for the advice and consent of the Senate, Geo. B. Kinkead, to be Secretary.

WM. OWSLEY.

The said nomination was unanimously advised and consented to by the Senate.

Mr. JAMES, from select committee, reported the following resolution, accompanied by a report:

Resolved, That it is expedient and proper, to provide for the erection of a suitable monument, in honor of the heroes of Kentucky, who have heroically, and who may hereafter, fall in defence of our much beloved country, and of her illustrious citizens whose memory may be entitled to commemoration.

Also—a bill authorizing the Frankfort Cemetery Company to convey a portion of its grounds to the State of Kentucky.

But without taking a vote either on the resolution or bill, the Senate adjourned: yeas, 14—nays, 13.

### HOUSE OF REPRESENTATIVES.

No clergyman present.

The reading of the journal was dispensed with.

Mr. RIDDLE and Mr. MERIWETHER each presented a petition which was referred.

Mr. RIEA from the committee on Printing, reported on a resolution referred to them, as to the expediency of letting out the public printing to the lowest bidder, that the constitution providing for the election of public printer by a joint vote of the Legislature, a course different, would be unconstitutional.

Mr. ARMSTRONG reported a bill from a select committee, to incorporate the Synophebian Society of the Masonic College of Lagrange.

Mr. SMITH reported a bill providing for the payment of jurors in the country.

Mr. McHENRY moved to lay the bill on the table.

The vote stood—yeas 49, nays 36.

So it was laid on the table.

Mr. EVANS had leave to bring in a bill to regulate the sale of ardent spirits in Greenup county; referred.

Mr. HANSON had leave to bring in a bill to establish a chancery term of the Bourbon circuit court; referred.

Mr. ROUSE had leave to bring in a bill to amend the law in relation to ferries on the Ohio river.

The House then took up the unfinished report of the committee on Propositions and Grievances, to establish Taylor county.

Mr. WILLIAMS presented a letter from a gentleman of Green county, which was read.

The bill was then ordered to a second reading.

Mr. VERTRESS had leave to bring in a bill to incorporate Elizabethtown; referred.

### Reports from Standing Committees.

Mr. DESHIA from the committee on Military Affairs, reported against the petition of Fielding M. Hurst; concurred in.

Also—a bill for the benefit of James O'Hara, deputy sheriff of Grant county; passed.

Also—a bill for the benefit of Oscar Pepper; passed.

The bill provides for the maintenance of an additional number of indigent pupils, and that the benefits of the institution shall be distributed equally among the counties of the State.

Mr. WALLER in a few remarks, advocated the bill as one of the noblest charities established by the State.

The bill then passed.

Also—a bill to incorporate the Germantown Circulating Library Company; passed.

Also—a bill to incorporate the Paintsville Library; passed.

Also—a bill to incorporate the Trustees of the Nelson county Library Company; passed.

Also—a bill for the benefit of certain Common Schools in this Commonwealth; passed.

Mr. STEVENSON, from the committee on Internal Improvement, reported a bill for the benefit of Robert Williams, contractor on the Licking river; passed.

Also—a bill legalizing the organization and first election of officers of the Bank Lick Turnpike Company; passed.

Also—a Senate bill, to incorporate the Cynthia and Millersburg Turnpike Company, with an amendment; amendment concurred in, and bill passed.

Also—a Senate bill to continue in force an act to amend an act, entitled an act for the benefit of the owners of mills, and other property injured by slack water; with an opinion that it ought not to pass; report concurred in.

Also—a bill to appropriate money to keep open and improve the navigation of the Rolling Fork of Salt river.

Mr. GRAVES explained the provisions of the bill, when

Mr. SMITH moved to lay the bill on the table; carried.

Also—a bill to amend an act incorporating certain turnpike companies.

The bill provides for the change of certain toll gates on the Maysville and Lexington turnpike.

Mr. W. S. BOTTS explained to the House the bill.

Mr. WALEER moved to refer the bill to a select committee, for the purpose of inquiring further into the matter, and giving to the Company an opportunity of defending themselves. After some discussion, the motion of Mr. W. prevailed, and the bill was recommitted, with instructions to report on Tuesday at ten o'clock.

Also—against the petition of J. C. Alberti.

Mr. HANSON remarked upon the merits of the petition. The petition of Mr. Alberti and a remonstrance against the same, was read; when the report was concurred in.

Mr. WALLER, from the Committee on Education, reported a bill for the benefit of the common schools in Cumberland county; passed.

Also—a Senate bill to incorporate the Kentucky Female Orphan School; passed.

Also—a bill from the Senate to authorize the Trustees of the New Athens Seminary in Greensburg to convey the same; passed.

Also—a bill authorizing the County Court of McCracken to sell the Seminary lands; passed.

Mr. DESHIA, from the Committee on Military Affairs, reported a bill for the benefit of the Jessamine Cavalry; passed.

Also—a bill for the benefit of the Lexington Rifles; passed.

Also—a bill for the benefit of the Maysville Guards.

On motion of Mr. WALLER, the bill was amended to allow one hundred honorary members; when it passed.

Also—a Senate bill to incorporate the Faculty of the Western Military Institute; passed.

Also—a Senate bill for the benefit of Samuel D. McCullough; passed.

Also—resolutions of the H. R. amended by the Senate, for presenting to the widow of the late Philip Norbourn Barbour a sword, and for the interment of his remains in the Frankfort Cemetery.

The amendment of the Senate strikes out the provision for the presentation of a sword to Mrs. Barbour.

After some discussion upon the amendments of the Senate, in which Messrs. Waller, Stevenson, Graves, Williams, Brown, and Towles, participated. The hour of twelve having arrived, the House took up the orders of the day.

### Election of Officers.

The House then went into joint ballot for the election of Public Officers.

The Senate were informed of the readiness of the House to proceed with the election.

Mr. McHENRY nominated James Davidson for the office of Treasurer.

Messrs. McHenry, Stevenson and Waller were appointed a committee for the comparison of the polls of the two Houses.

A message was received from the Senate that they were ready to proceed with the election.

James Davidson, was then unanimously elected Treasurer of Kentucky.

Mr. HARRISON nominated A. G. Hodges for the office of Public Printer.

Mr. MAYHALL nominated G. H. Monsarrat.

Mr. STEVENSON nominated John M. Helms.

The vote stood as follows:

Those who voted for Mr. HODGES, were:

Mr. Speaker, Messrs. Alexander, A. G. Botts, W. S. Botts, Bowman, Brown, Bush, Cobb, Covington, Devereux, Evans, Foley, Gilbert, Haggard, Hall, Hanson, Harrison, Hay, Hobbs, Hord, Hoy, D. Irvine, W. L. Jones, McCallister, McHenry, Mitchell, Munford, Pearl, Phillips, Procter, Reed, Rhea, Salter, Smith, Spurr, Steele, Stewart, Talbott, Tandy, Thomas, Thompson, Verress, Waller, White, Worthington, and Young—46.

Those who voted for Mr. MONSARRAT, were:

Messrs. Beeler, Bowman, Bradford, Crawford, Durbin, Glenn, J. Irvine, Jordan, Martin, Mayhall, Owens, Page, Poor, Soery and Williams—15.

Those who voted for Mr. HELMS, were:

Messrs. Abell, Abner, Armstrong, Bell, Board, Clarke, Coleman, Desha, Dickerson, J. Elliott, M. Elliott, English, Fletcher, Graves, Hager, Ireland, Johnston, J. R. Jones, Mansfield, Marshall, Mays, McArthur, Meriwether, Moore, Morton, Oglesby, Riddle, Rouse, Spalding, Stevens, Stevenson, Towles, Wade, Walker, Wheeler and Wright—36.

On the joint vote Mr. Hodges received 72 votes, Monsarrat 15, and Helms 46.

Mr. Hodges having received a majority, was declared elected.

Mr. PROCTER nominated G. A. Robertson for the office of Librarian.

Mr. HAGGARD nominated Mr. Richard Long.

On the joint ballot, Mr. Robertson received 95 votes—Mr. Long received 39 votes. Whereupon, Mr. Robertson was declared duly elected.

Mr. MUNFORD, from the committee on Enrollments, reported sundry enrolled bills, which thereupon received the signature of the Speaker.

A message was received from the Senate, announcing the passage of sundry bills, &c.

Mr. GLENN nominated Mr. Geo. B. Kinkead, Commissioner of the Lunatic Asylum.

Mr. W. S. BOTTS nominated Mr. Thos. Grant. After some discussion, touching the qualifications of the nominees, in which Messrs. Brown, Waller, W. S. Botts, McHenry, Reed, Rhea and Alexander participated, a ballot was taken.

Mr. PURDOM stated that he was out of the Hall when the vote was taken for Public Printer—he asked leave to record his vote for Mr. Hodges.

Objections were made, and he was not permitted to record his vote.

The House then took a recess.

### Evening Session.

The House took up the resolutions from the Senate complimentary to Maj. Barbour.

After some further discussion as to the propriety of erecting a monument to the memory of Maj. Barbour and the officers and soldiers who fell with him at Monterey, the amendments of the Senate were rejected. The vote stood: yeas 35, nays 45.

Mr. HANSON from a select committee reported a bill for the benefit of A. J. Divine, deputy sheriff of Bourbon county.

Mr. HANSON read a letter from the clerk of Garrard county on this subject, after which the bill passed.

Leave was granted to Mr. WHITE to bring in a bill to appoint commissioners on the Goose Creek Salt works; referred.

Leave was granted to Mr. PEARL to bring in a bill to protect land holders in the counties of Laurel and Rockcastle; referred.

Mr. WALLER reported a bill for the benefit of John M. Morton. The bill allows the petitioner to bring certain slaves into the Commonwealth; passed.

### Senate Bills.

The Senate bills upon the table were then taken up and referred.

The following, the amendments having been concurred in, passed.

Resolutions from the House of Representatives, complimentary to Gen. Taylor, and to the officers and soldiers under his command, with a substitute for the same.

Mr. EVANS objected to the substitute of the Senate, as making distinctions between those of equal merit, who were engaged in the battles in Mexico.

Mr. PROCTER replied in favor of the substitute.

Mr. WILLIAMS did not object to the presentation of a sword to Gen. Taylor or Butler; but he believed the preamble and resolutions of the House in much better taste than those of the Senate. He therefore moved to strike out all of the Senate's resolutions, except the clause authorizing the presentation of a sword to Gen. Taylor and Butler.

At the suggestion of Mr. HOBBS, Mr. W. modified his motion, so as to retain the clause of the Senate resolution relative to the Louisville Legion.

The previous question was then ordered, and the motion of Mr. Williams being decided out of order, the substitute of the Senate was adopted.

A bill for the divorce of Phoebe Wilkerson.

A bill to amend the charter of the Lexington, Nicholasville, Danville and Lancaster Turnpike Road Company.

A bill for the benefit of John S. Stewart and others.

On motion, the House adjourned.

CORRECTION.—Mr. Evans desires the reporter to say that he did not propose to raise \$2,500 by taxation, in addition to the same amount raised by subscription for the erection of a bridge over the Little Sandy, in Greenup county, but to appropriate the surplus revenue of the county for five years to this object.

### For the Frankfort Commonwealth.

MR. FINNELL:

In pursuance of the following letter of Gov. Metcalfe, we hand you for publication his letter of the 5th inst., which was read in the Whig convention of that evening, and was considered a ratification, on his part







